

Exhibit 1

From: Kate Swift <kate.swift@bartlitbeck.com>
Sent: Tuesday, December 15, 2020 8:36 PM
To: David R. Cohen (David@SpecialMaster.Law)
Cc: do Amaral, Paulina; Laura Fitzpatrick
Subject: CT3 - proposed schedule
Attachments: Proposed CT3 Schedule CMO.docx

David,

Attached is the parties' submission regarding new deadlines for Track 3.

We belatedly noticed that the deadline for *Daubert* and dispositive motions (July 5) falls on a federal holiday. The parties have agreed that the briefs would be due that day nevertheless. If that poses a problem for the Court, we would like the opportunity to adjust the briefing dates before the new schedule is entered. If the Court is amenable to July 5 filings, plaintiffs ask that a footnote be included making explicit that the briefs will be filed on July 5, and not the following day.

The stipulation we have discussed regarding deadlines for deposition designations and exhibit lists is not ready for filing yet, but we anticipate that will follow within a week or so.

Please let us know if you have questions or concerns.

Thanks.

BartlitBeck LLP

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*“Track Three Cases”*¹

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**JOINT SUBMISSION REGARDING PROPOSED
REVISED CASE MANAGEMENT ORDER FOR TRACK THREE**

The parties have worked together to propose deadlines that shall apply to the cases designated by the Court for Track Three (“CT3”) in keeping with the Court’s order of December 4, 2020 (Dkt. No. 3574), except that, per Special Master Cohen’s instructions, certain Pretrial dates provided for in Section K of the previous order will be the subject of a separate stipulation between the parties. This Order supersedes the previous scheduling order only to the extent that new deadlines for specific events are provided below or indicated to be provided by stipulation. In all other respects, the Track Three Case Management Order Nunc Pro Tunc dated June 8, 2020 (Dkt. # 3329) remains in effect.

[Sections A through D are unchanged from Dkt. # 3329.]

¹ The Track Three cases are *County of Lake, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45032 (N.D. Ohio); and *County of Trumbull, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45079 (N.D. Ohio).

E. **CT3 Fact Discovery Deadlines**

7. **February 26, 2021** - *Deadline to Serve Third Party Subpoenas*
8. **March 5, 2021** - *Close of Party Fact Discovery*
9. **March 19, 2021** - *Close of Third Party Discovery*

[Section F is unchanged from Dkt. # 3329.]

G. **Expert Discovery Deadlines**

1. **April 16, 2021** – Plaintiffs shall serve expert reports and, for each expert, provide two proposed deposition dates between **May 3, 2021** and **May 21, 2021**.
2. **May 28, 2021** – Defendants shall serve expert reports and, for each expert, provide two proposed deposition dates between **June 14, 2021** and **June 29, 2021**.

H. ***Daubert* and Dispositive Motions**

1. **July 5, 2021** – Deadline for *Daubert* and dispositive motions.
2. **July 30, 2021** – Deadline for responses to *Daubert* and dispositive motions.
3. **August 9, 2021** – Deadline for replies in support of *Daubert* and dispositive motions.

I. **Motions *in limine***

1. **August 9, 2021** – Motions *in limine* due.
2. **August 30, 2021** – Responses to motions *in limine* due.
3. **September 7, 2021** – Replies to motions *in limine* due.

[Section J is unchanged from Dkt. # 3329.]

K. Pre-Trial Deadlines

1. **July 1, 2021** - Parties to exchange proposed jury instructions, verdict forms and interrogatories.
2. **July 8, 2021** - Parties to email jury questionnaire to the Special Master.
3. [Deadline for exchange of affirmative deposition designations has moved to the parties' stipulation.]
4. **Preliminary statements.**
 - (a) **July 8, 2021** – Parties to exchange proposed joint preliminary statements.
 - (b) **July 15, 2021** - Parties to email joint preliminary statement to Chambers.
5. **July 15, 2021** - Parties to file jury instructions, verdict forms, and interrogatories, including objections where agreement is lacking.
6. **July 15, 2021** - Parties to email exhibit-list form to Chambers.
7. **June 15, 2021** - Parties to exchange witness lists.
 - (a) [Deadline for exchange of exhibit lists has moved to the parties' stipulation.]
8. **Filing of witness lists and exhibit lists**
 - (a) **July 26, 2021** - Parties to file witness lists. Plaintiffs as a group and Defendants as a group will each jointly identify no more than 50 fact witnesses whom they are most likely to call at trial.²
 - (b) **September 10, 2021** – Parties to file exhibit lists.
9. **August 2, 2021** - Deadline to depose “most likely” witnesses who were not earlier deposed. A party must make a showing of good cause why they did not take the deposition of such a witness during the regular discovery period. Such depositions may also be taken by agreement. A party must show good cause to call at trial a witness who was not among the identified “most likely” trial witnesses.

² Defendants maintain all objections to the requirement to identify, as a group, several months before the start of trial, no more than 50 fact witnesses they are most likely to call at trial.

10. [Deadline to exchange responsive deposition designations, objections to affirmative designations, and non-repetitive and non-responsive designations from depositions previously affirmatively designated during this period has moved to the parties' stipulation.]
11. **August 9, 2021** - Parties to file proposed questions for the Court's *voir dire*.
12. **August 19, 2021** - Trial briefs due.
13. [Deadline for exchange of final deposition designations and objections has moved to the parties' stipulation.]
14. [Deadline to file objections to witnesses and exhibits has moved to the parties' stipulation.]
15. [Deadline to file objections to deposition designations has moved to the parties' stipulation.]
 - (a) [Deadline to submit advance exhibit objections to be included in the parties' stipulation.]
16. **September 17, 2021** - Completed jury questionnaires to be distributed to trial counsel.
17. **September 21, 2021** - Court and trial counsel to review jury questionnaires.
18. **September 28, 2021** - Final pretrial conference.

L. Trial

1. **September 29, 2021** - Jury selection begins.
2. **October 4, 2021** - Opening statements.³

³ Defendants maintain all objections to the time allotted for trial.